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February 24, 2012

VIA ECF

Honorable William Alsup
U.S. District Court, Northern District of
California
Courtroom 8 -- 19th Fl.
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Oracle America, Inc. v. Google Inc., No. 3:10-cv-03561 WHA

Dear Judge Alsup:

In light of yesterday's order instructing counsel to keep the period from April 16 until late June available for trial, I am writing to re-notify Your Honor of two conflicting federal trial commitments on my schedule during that period. Both trials were set prior to the December 21, 2011 pretrial conference in this case, and they were set forth in the joint pretrial statement and discussed at the pretrial conference. I understand from Your Honor's remarks during the hearing that I am to notify the Court of any changes in this schedule.

I am presently scheduled to commence trial in *Commonwealth Scientific and Industrial Research Organisation v. Lenovo, Inc. et al.*, Case No 6:09-cv-399 LED (Hon. Leonard Davis) on April 2, 2012. The trial is expected to last for approximately three weeks, and the pretrial conference is set to occur on March 22.

I am also set for trial in *Genentech v. The Trustees of the University of Pennsylvania*, 5:10-cv-02037 LHK (PSG) (Hon. Lucy Koh) on June 11, 2012. Judge Koh recently advised us that she expects the trial to last through the end of June, and she has scheduled a bench trial concerning certain issues on June 29, 2012. The pretrial conference in that case is scheduled for May 30.

I am also planning to be out of the country from April 26 through May 12, but I understand from Your Honor's remarks during the pretrial conference that, if my conflicting trial commitments are vacated or rescheduled, you might insist that trial proceed notwithstanding.

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I will notify the Court of any changes in this schedule, and I am continuing to hold the period September – December available, as Your Honor requested. In the meantime, if I have misunderstood Your Honor's instructions, please let me know.

Sincerely,

KEKER & VAN NEST LLP



Robert A. Van Nest